



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400891
Applicant Name: Paul Pierce
Address of Proposal: 8230 17th Avenue Northeast

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of two (2) two-unit townhouse structures. Parking for four vehicles is to be provided in a covered garage at grade.

The following approvals are required:

Administrative Conditional Use - To allow a single purpose residential structure in a C1-40 zone. (Seattle Municipal Code Chapter 23.47.004 E).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The subject property is located at 8230 17th Avenue Northeast with the west property line fronting on the east side of 17th Avenue Northeast and the angled southeasterly property line fronting on Lake City Way Northeast: approximately 74' north of the intersection of 17th Avenue Northeast and Lake City Way Northeast. This 5673.9 square foot (sq. ft.) parcel is zoned Commercial (C1-40'). The subject site is vacant property, heavily covered with trees, vines blackberry bushes and shrubs.

The site slopes upward to the east, levels out, and then has a sharp twelve foot (12') drop along the southeasterly and eastern portion of the site which is mapped as an Environmentally Critical Area (ECA)-Steep Slope. The applicant has been granted a full exemption from ECA steep slope development standards under Project #2306968 for the identified ECA area due to the steep slope being created as a result of right-of-way improvements along Lake City Way Northeast.

The properties to the north and the west across 17th Avenue Northeast are zoned Single Family 5000 (SF 5000). The properties south and east of the subject site are also zoned C1-40'. Existing single family residences are located just north and west of the subject site. A restaurant and a variety of commercial buildings along Lake City Way Northeast reside south and east of the site.

Proposal Description

The applicant proposes to construct two (2) two-unit townhouse structures with garages within each structure. Vehicular access is proposed via 17th Avenue Northeast.

Public Comment

The public comment period for this project ended August 25, 2004. DPD received one written comment regarding this proposal. The neighbor expressed concerns regarding the potential negative impact of increased traffic and decreased on-street parking along 17th Avenue Northeast due to the combination of customers visiting the neighboring restaurant and the future residents of the proposed cluster development.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Section 23.47.006.A of the Seattle Municipal Code (SMC) provides general conditional use criteria that apply to all conditional use applications. Section 23.47.006 B.4 (SMC) provides specific criteria to be applied to an analysis of an application for single purpose residential uses in a C1 zone. Applicable criteria are stated in italics below, followed by analysis in each instance.

4. *Single-purpose residential structures may be permitted outright, permitted as an administrative conditional use or prohibited as provided by Section 23.47.004.E. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:*
 - a. *Due to the location or parcel size, the proposed site is not suited for commercial development; or*

The site is 5,673.9 sq. ft. and fronts on two streets; 60.02' of street frontage width of along 17th Avenue Northeast and an angled street frontage width of 43.3' along Lake City Way Northeast. 17th Avenue Northeast is a non-arterial street that is predominantly residential in scale and character. Lake City Way Northeast is a Primary Arterial that is predominantly commercial uses. The topography of the site is less than ideal for the creation of a "zero lot line" commercial development. Per the applicant, a significant amount of excavation and shoring would be required to protect the neighboring structures-specifically the single family residence north of the subject site. Commercial vehicular access via Lake City Way Northeast would also be problematic due to the site's topography and the southeasterly property line orientation; in turn, introducing commercial parking access along 17th Avenue Northeast which mainly consists of single family homes.

The location of the subject parcel, whose westernmost property line predominantly fronts on a block developed by single family residences (17th Avenue Northeast), is not well suited for commercial development. The subject site is located seventy-four feet (74') from the intersection of 17th Avenue Northeast and Lake City Way Northeast, which is the predominate corner of the C1 zone where the site is located. The block to the north and west are zoned SF 5000. Between the development site and the referenced intersection, there is a triangular shaped property on which a one-story restaurant building resides. One parcel immediately adjacent to the site is a single family residence and single family residences are across the street. A one-story office/research lab with an accessory surface parking lot is northeast of the subject site along Lake City Way Northeast. A tall retaining wall allows for this commercial property to be level with Lake City Way Northeast. Any future development on the subject site would be more closely orientated to 17th Avenue Northeast. Allowing a small residential development instead of a commercial development would provide a smoother transition between the single family zoned properties and the commercially zoned property just south of the subject site. Thus, this criterion is satisfied.

- b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no commercial use.*

The subject site fronts on two streets-17th Avenue Northeast and Lake City Way Northeast. Only 29% of the block front located on 17th Avenue Northeast is zoned for commercial uses. The entire block front located on Lake City Way Northeast is zoned for commercial uses and several one-story and two-story small commercial structures exist along both sides this highway. An excess amount of underutilized commercial property exists. These structures resemble single-family homes and appear to be either vacant, in disrepair.

The proposal includes an entry court for the southeastern most townhouse unit that will resemble a storefront and allow the resident immediate access to their unit from Lake City Way Northeast; Thus creating continuity with the established commercial street front.

SMC 23.47.006.A CONDITIONAL USE GENERAL PROVISIONS

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The proposed single purpose residential use would not be expected to cause material detriment to the public welfare or injurious to property in the area. In fact, by allowing this use, it would provide a more suitable transition between the higher intensity uses along Lake City Way Northeast and the low intense residential uses along 17th Avenue Northeast.

2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

Potential impacts and detrimental effects associated with allowing a single purpose residential use in a commercial zone have been evaluated under specific Conditional Use criteria stated above.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED** as indicated at the end of this document.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE PERMIT

None.

Signature: (signature on file) Date: March 10, 2005
Tamara Garrett, Land Use Planner